

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

DEC 19 2002

PATRICK FISHER
Clerk

PROFUTURES BRIDGE CAPITAL
FUND, L.P.; BRIDGE CAPITAL
PARTNERS, INC. DEFINED BENEFIT
PENSION PLAN,

Plaintiffs-Appellants,

v.

THERMOVIEW INDUSTRIES, INC.;
DOUGLAS I. MAXWELL,

Defendants-Appellees.

No. 02-1013

(D.C. No. 00-B-722)
(D. Colo.)

ORDER AND JUDGMENT*

Before **MURPHY, BALDOCK**, and **O'BRIEN**, Circuit Judges.

Plaintiffs Profutures Bridge Capital Fund, L.P. and Bridge Capital Partners, Inc. Defined Benefit Pension Plan appeal the district court's grant of Defendants' motion for summary judgment. See Fed. R. Civ. P. 56. We have jurisdiction pursuant to 28 U.S.C. § 1291. The parties to this case are familiar with its facts and procedural history, and we will not repeat them here. We review de novo the district court's grant of summary

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

judgment. Atlantic Richfield Co. v. Farm Credit Bank of Wichita, 226 F.3d 1138, 1148 (10th Cir. 2000). “Summary judgment is appropriate if ‘the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.’” Id. (quoting Fed. R. Civ. P. 56(c)). “We ‘view the evidence and draw all reasonable inferences therefrom in the light most favorable to the party opposing summary judgment.’” Id. (quoting Martin v. Kansas, 190 F.3d 1120, 1129 (10th Cir. 1999)). The district court’s order set forth a detailed and thorough analysis of the grounds for summary judgment. We affirm for the reasons stated by the district court.

AFFIRMED.

Entered for the Court,

Bobby R. Baldock
Circuit Judge